

**JOINT**  
**PUBLIC NOTICE**

**CHARLESTON DISTRICT, CORPS OF ENGINEERS**  
**69A Hagood Avenue**  
**Charleston, South Carolina 29403-5107**

**and**

**THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
**Office of Environmental Quality Control**  
**Water Quality Certification and Wetlands Programs Section**  
**2600 Bull Street**  
**Columbia, South Carolina 29201**

REGULATORY DIVISION  
Refer to: P/N #2005-1E-087-C

29 April 2005

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), the South Carolina Coastal Zone Management Act (48-39-10 et. seq.) and the S.C. Construction in Navigable Waters Permit Program (R. 19-450, et. seq., 1976 S.C. Code of Laws, as amended), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

DICK KRUGER  
4866 WILLIAMS ISLAND DRIVE  
LITTLE RIVER, SOUTH CAROLINA 29566  
**and**  
JAMES & CHRISTINA FENDER  
2506 PAMPLICO HIGHWAY  
FLORENCE, SOUTH CAROLINA 29505

for a permit to construct a joint use dock structure in the

**ATLANTIC INTRACOASTAL WATERWAY (AIWW)**

at a location between Lots #67 and 68, Williams Island Drive, Paradise Island, North Myrtle Beach, Horry County, South Carolina. (Latitude – 33.84941, Longitude – 78.66051)

In order to give all interested parties an opportunity to express their views

**NOTICE**

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

12 O'CLOCK NOON, MONDAY, 16 MAY 2005

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of constructing a timber pier with a 20' x 28' fixed pierhead attached to highland by a 4' x 34.08' walkway. Floating docks, each 10' x 12', are to be located behind the fixed pierhead and attached to the fixed walkway by ramps. Boat lifts, each 16' x 20' are to be located on each side of the fixed pierhead. It is understood that this work will be conducted on/or adjacent to an area subject to a prism and/or disposal easement held by the United States in perpetuity in conjunction with a Congressionally authorized project for the maintenance and improvement of the Atlantic Intracoastal Waterway. Should a permit be issued, appropriate provisions will be included to ensure the interests of the Federal Government are understood. The purpose of this work is for the applicants' private recreational use.

Dick Kruger and James & Christina Fender

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

**U.S. Army Corps of Engineers  
ATTN: REGULATORY DIVISION  
69A Hagood Avenue  
Charleston, South Carolina 29403-5107**

The work shown on this application must be certified as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certification is received. This activity may also require evaluation for compliance with the S.C. Construction in Navigable Waters Permit Program. State review, permitting and certification is conducted by the S.C. Department of Health and Environmental Control. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review. Persons wishing to comment or object to State certification or the navigable waters permit must submit all comments in writing to the S.C. Department of Health and Environmental Control at the above address within thirty (30) days of the date of this notice.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

The District Engineer has consulted the most recently available information and has determined that the project will have no effect on any Federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended).

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

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Dick Kruger and James & Christina Fender

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact me at 843-329-8044 or toll free at 1-866-329-8187.

A handwritten signature in black ink, appearing to read "Jackie Easterling", with a long, sweeping horizontal line extending to the right.

Jackie Easterling  
Project Manager  
Regulatory Division  
U.S. Army Corps of Engineers



Location map

Applicant - Dietz Kruger/James + Christina Fender  
 Location: Lot 67-68  
 Paradise Is. - Little River S.C.  
 Harry City - Date: 12-22-02  
 Purpose - Construct Fixed dock  
 floating dock - boat lift  
 Private/Recreational

2005-16 057

Sheet 1 of 4

of my knowledge, information, and belief,  
as made in accordance with the requirements  
manual for the practice of land surveying in  
s or exceeds the requirements for a Class "A"  
in; that there are no visible encroachments or  
shown: that the unadjusted ratio of precision  
property is subject to any easements of record  
an up-to-date title search not furnished me this  
was determined by the coordinate method of area  
FEBRUARY 23 2005

Sheet 2 of 4

**SIGNED**

S. M. Sandy  
PROFESSIONAL LAND SURVEYOR  
SIDNEY M. SANDY PLS 6849



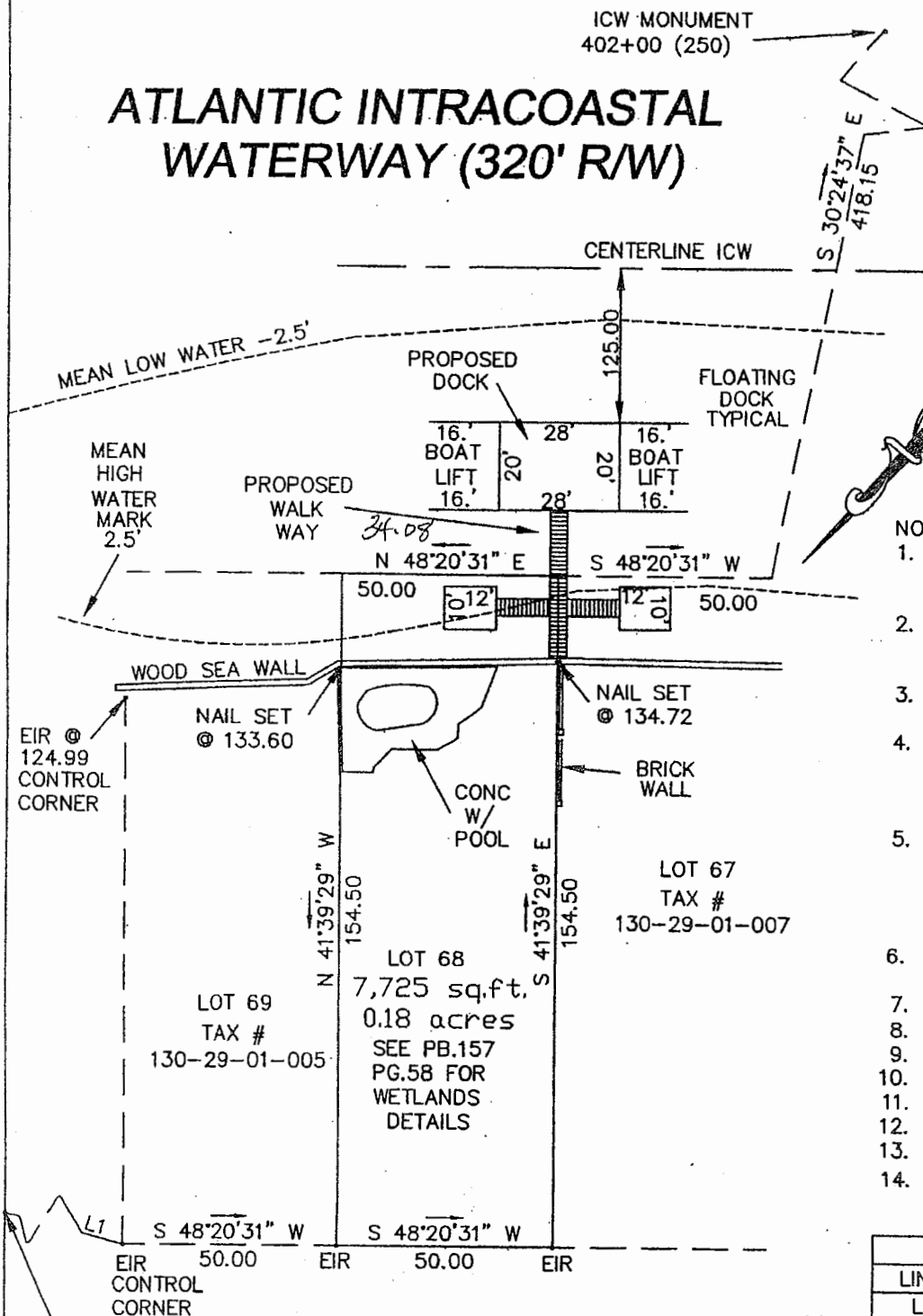
REFERENCE:  
PB. 157 PG. 58

NOTES:

1. NO USGS HORIZONTAL MONUMENTATION FOUND WITHIN 2000 FEET OF SITE.
2. OTHER UTILITIES MAY EXIST, BUT THEIR LOCATIONS ARE NOT KNOWN.
3. SURVEY SUBJECT TO FULL TITLE SEARCH
4. THIS PROPERTY MAY BE SUBJECT TO RIGHT OF WAYS, EASEMENTS OR RESTRICTIONS EITHER RECORDED OR IMPLIED
5. ATTORNEY TO VERIFY COMPLIANCE ZONING, RESTRICTIVE COVENANTS OR HOMEOWNERS ASSOC. REQUIREMENTS OF RECORD
6. AREA COMPUTED BY COORDINATE GEOMETRY
7. R/W = RIGHT OF WAY
8. EIR = EXISTING IRON REBAR
9. EIP = EXISTING IRON PIPE
10. NIR = NEW IRON REBAR
11. EP = EDGE OF PAVEMENT
12. CONC. = CONCRETE
13. TAX# 130-29-01-006
14. THIS IS A SURVEY OF AN EXISTING PARCEL OF LAND.

LINE TABLE		
LINE	LENGTH	BEARING
L1	1945.17	N 63°16'30" E

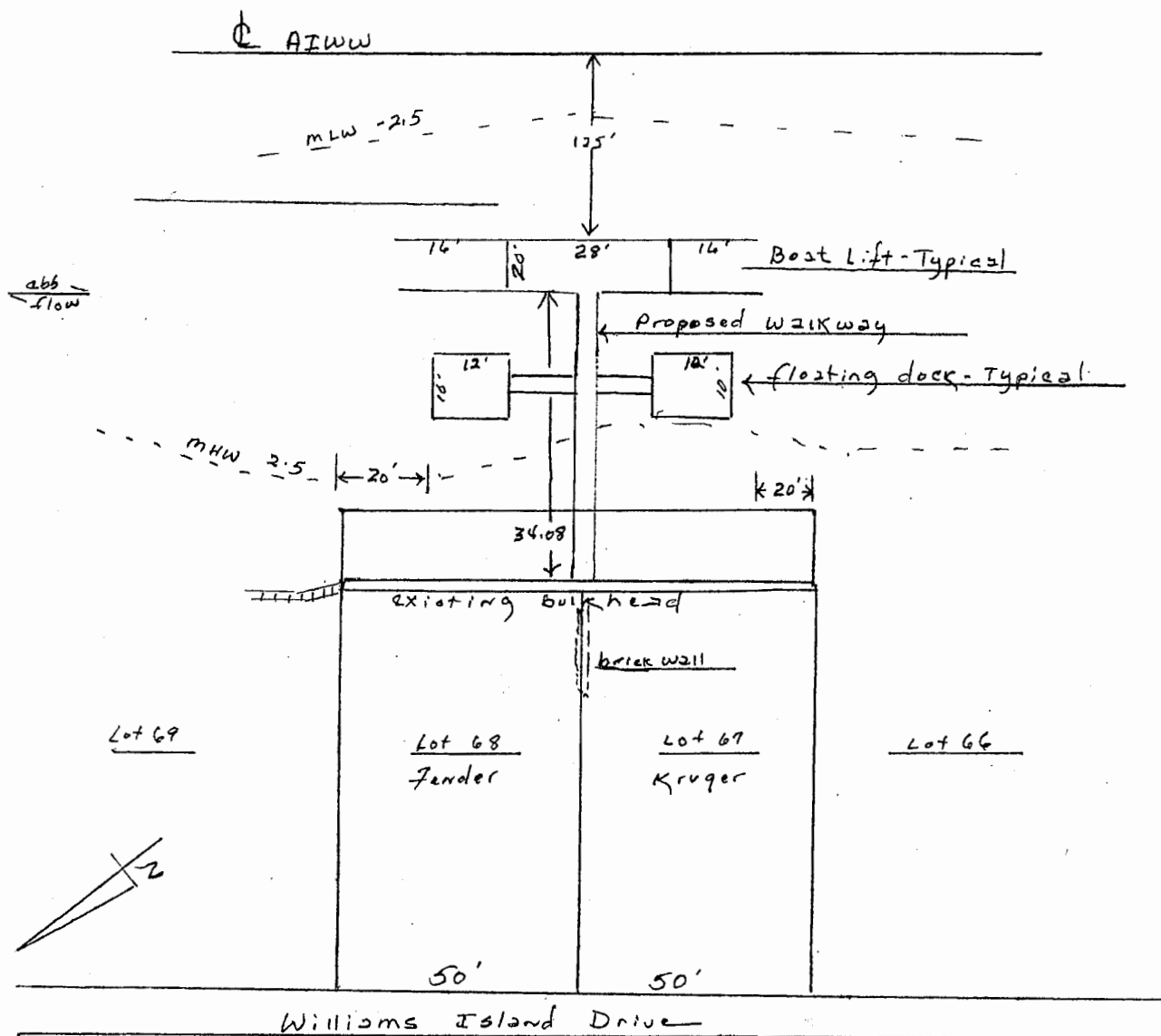
FLOOD NOTE:  
THE SUBJECT PROPERTY SHOWN  
HEREON DOES LIE IN A SPECIAL  
FLOOD HAZARD AREA PER F.E.M.A.  
PANEL # 45110 0581 H



**WILLIAMS ISLAND RD.**

**NOTE:** the controlling dimensions for structures on the AIWW is the distance from the waterward end of the structure to the centerline of the AIWW

50'  
R/W  
PRIVATE



APPLICANT James Fender  
Dick Kruger

LOCATION Lot 68 (Fender)  
Paradise Island  
Wm. Is. Dr.  
Lot 67 (Kruger)  
4844 Wm Is Dr.  
Little River, S.C. 29566  
COUNTY Horry

ADJACENT PROPERTY OWNER:

69 - Jimmy Moore

66 TM prop, LLC

ACTIVITY Construct joint/shared  
dock-floating docks-boat  
Lifts- Private/recreational

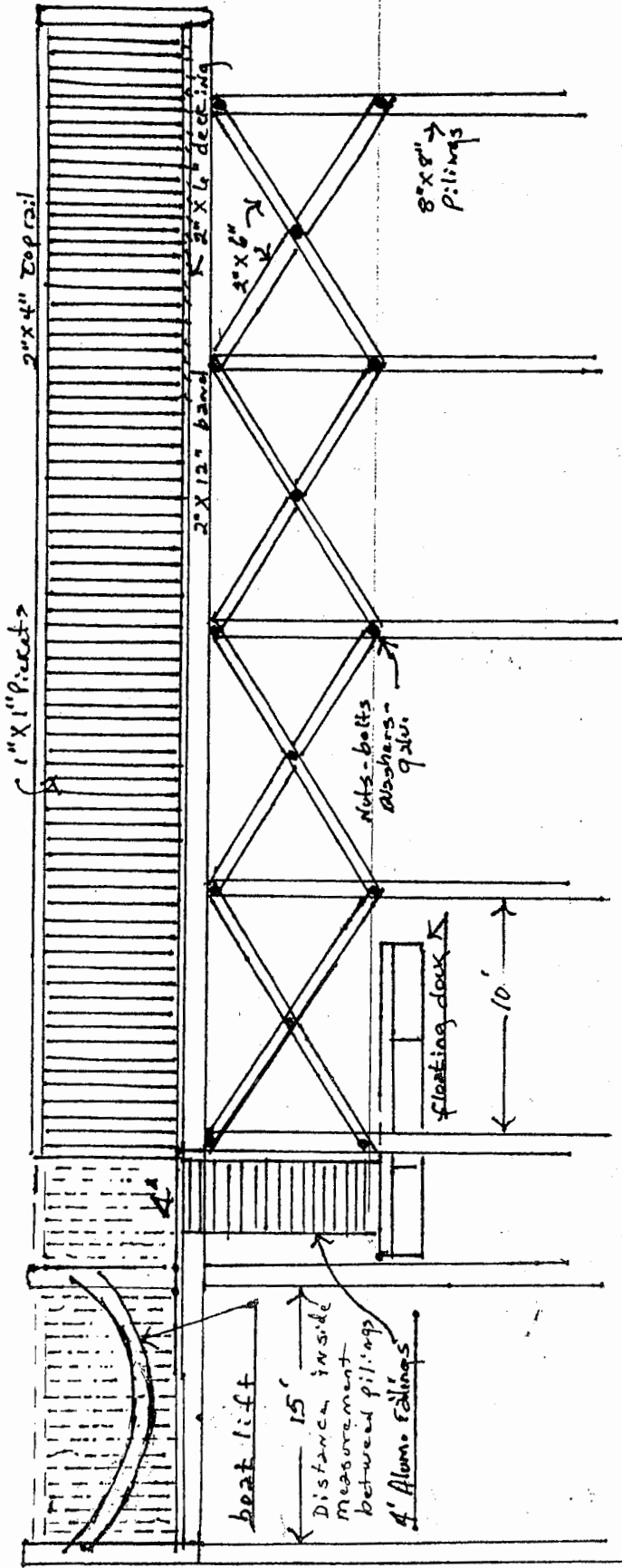
COUNTY

DATE Revised- 3-22-05

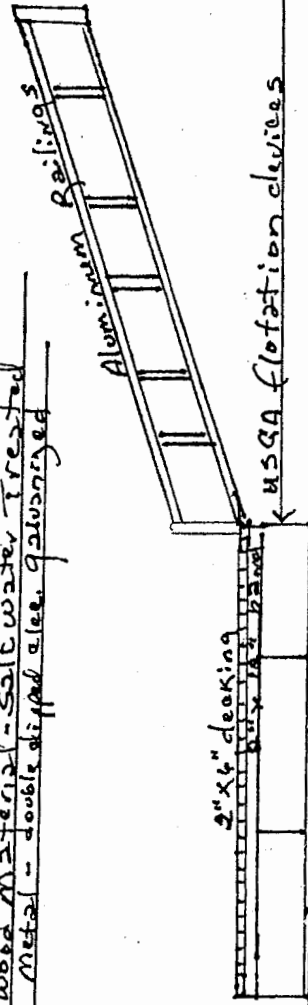
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2005-1E-087

# Side View - Fixed dock - Floating dock + boat lift



All wood material - salt water treated  
All metal - double dipped steel galvanized



APPLICANT James Fender  
Dick Kruger  
ACTIVITY Construct Joint shared  
Fixed dock / Floating dock  
boat lift - private leasehold  
P/N # 2005-1E-087

LOCATION Lot 68 - Fender  
Paradise Island - Wm. Is. Dr.  
Little River, S.C., 29566  
COUNTY Henry  
DATE Revised - 3-2005

ADJACENT PROPERTY OWNERS  
66 Tim. Prop. L.L.C.  
69 - Jimmy Moore  
Sheet 4 of 4